CALIFORNIA GAMBLING CONTROL COMMISSION
Physical Address: 2399 Gateway Oaks Drive, Suite 100 • Sacramento, CA   95833-4231
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NOTICE OF PROPOSED RULEMAKING

TITLE 4. CALIFORNIA GAMBLING CONTROL COMMISSION

Gaming Activity Authorization / Additional Tables

The California Gambling Control Commission ("Commission") proposes to adopt the regulations described below after considering all comments, objections, or recommendations regarding the proposed action.

PROPOSED REGULATORY ACTION: The Commission proposes to adopt sections 12356, 12358, and 12359 of Title 4 of the California Code of Regulations, concerning gaming activity authorization and requests for additional temporary or permanent tables.

PUBLIC HEARING

At this time, the Commission has not scheduled a public hearing. Any interested person or his or her duly authorized representative may request a hearing pursuant to Government Code section 11346.8 no later than 15 days prior to the close of the comment period.

WRITTEN COMMENT PERIOD
August 19, 2005 to October 3, 2005

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to the Commission at any time during the 45-day public comment period. To be considered for summary and response, **all written comments must be received no later than 5:00 p.m., October 3, 2005**.

Requests for a public hearing or written comments for the Commission's consideration should be directed to:

Heather Hoganson, Counsel, California Gambling Control Commission
2399 Gateway Oaks Drive, Suite 100 Sacramento, CA 95833-4231;
Fax: 916-263-0452,   E-mail: hhoganson@cgcc.ca.gov

AUTHORITY AND REFERENCE

Authority for the proposed regulations is provided by various provisions of the Gambling Control Act, which may be found in Business and Professions Code sections 19800--19980. In particular, Business and Professions Code sections 19811, 19823, 19824, 19840, 19841, 19854, 19864, 19951, and 19952 provide specific authority.

The proposed regulations implement, interpret, or make specific Business and Professions Code sections 19826(g), 19823, 19867, and 19951, and are included as reference citations in the proposed regulations.

INFORMATIVE DIGEST AND POLICY STATEMENT OVERVIEW

The Gambling Control Act (Business and Professions Code, section 19800 et seq.) provides the Commission jurisdiction over controlled gambling and all activity that is related to the conduct of controlled gambling. This includes providing for an approval of games and gaming equipment, and defining and limiting the number of tables in a gambling establishment (cardroom).

The proposed regulations provide a mechanism for a gambling establishment to request approval of a game, or authorization for additional tables, either on a temporary basis for a tournament or special event, or on a permanent basis.

DISCLOSURES REGARDING THE PROPOSED ACTION

Mandate on local agencies and school districts: These regulations do not impose a mandate on local agencies or school districts.

Cost or savings to any state agency: None.

Cost to any local agency or school district that must be reimbursed in accordance with Government Code section 17561: None

Other non-discretionary cost or savings imposed upon local agencies: None

Cost or savings in federal funding to the state: None

Cost impact on representative private person or business: Costs as follows would only accrue in the event that a cardroom requested additional temporary or permanent tables, or requested authorization for game or gaming activity not previously authorized by the Division of Gambling Control for use at that establishment:

- Deposits for investigation of requested games or gaming activity are set in current regulation at $315 (Cal. Code Regs., title 11, section 2037); Deposits for investigation of requested additional tables for a gambling establishment would be pursuant to Business and Professions Code 19867.

- If a cardroom made a request for additional tables, the application fee is set by statute at $500.

- Pursuant to Business and Professions Code section 19952, the Commission is setting a fee for additional temporary tables in proposed regulation 12358, which would have a cost impact on any cardroom requesting an additional temporary table, as specified in the appended form, CGCC – 024 (New 06-05), "Request for a Certificate to Operate Additional Tables on a Temporary Basis."

Impact on Business: The Commission has made an initial determination that the proposed regulatory changes will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

Significant effect on housing costs: The Commission has made an initial determination that the proposed regulatory action would not affect housing costs.

Effect on small business: Some cardrooms are small businesses; the cost effect on these cardrooms are the same as that addressed under "private person or business."

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code section 11346.5(a)(13), the Commission must determine that no reasonable alternative considered by the Commission or that has otherwise been identified and brought to the attention of the Commission would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

ASSESSMENT REGARDING CREATION OR
ELIMINATION OF JOBS IN CALIFORNIA

The Commission has made an assessment and determined that the adoption of the proposed regulation will neither create nor eliminate jobs in the State of California nor result in the elimination of existing businesses or create or expand businesses in the State of California.

CONTACT PERSONS

Inquiries concerning the substance of the proposed action should be directed to:

Heather Hoganson, Counsel, California Gambling Control Commission,
2399 Gateway Oaks Drive, Suite 100 Sacramento, CA 95833-4231;
Telephone: 916-263-0490, Fax: 916-263-0452, E-mail: hhoganson@cgcc.ca.gov.

Requests for a copy of the proposed text of the regulation, the initial statement of reasons, the modified text of the regulation, if any, or other technical information upon which the rulemaking is based should be directed to:

Pam Ramsay, California Gambling Control Commission,
2399 Gateway Oaks Drive, Suite 100 Sacramento, CA 95833-4231;
Telephone: 916-263-8111, Fax: 916-263-0499.

AVAILABILITY OF STATEMENT OF REASONS
AND TEXT OF PROPOSED REGULATIONS

The Commission will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at the office at the above address. As of the date this notice is published in the Notice Register, the rulemaking file consists of this notice, the proposed text of the regulation, and the Initial Statement of Reasons. A copy may be obtained by contacting Pam Ramsay at the address or telephone number listed above or accessing the Commission's website at http://www.cgcc.ca.gov. Upon its completion, the Final Statement of Reasons will be available and copies may be requested from the Regulations Coordinator or viewed on the website.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

Following the comment period, the Commission may adopt the proposed regulation substantially as described in this notice. If modifications are made which are sufficiently related to the originally proposed text, the modified text, with changes clearly indicated, will be made available to the public for at least 15 days prior to the date on which the Commission adopts the regulation. Requests for copies of any modified regulation should be sent to the attention of Pam Ramsay at the address indicated above.

The Commission will accept written comments on the modified regulation for 15 days after the date on which it is made available.